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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,006	10/01/2003	Giovanni Coglitore	RACK-001/04US 303393-2017	9230
23419 7590 07/09/2009 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW Washington, DC 20001				
EXAMINER LEA EDMONDS, LISA S				
ART UNIT 2835		PAPER NUMBER		
MAIL DATE 07/09/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: GIOVANNI COGLITORE, NIKOLAI GALLO,
and JACK RANDALL

Application 10/678,006
Technology Center 2800

Mailed: July 9, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER

GROUND OF REJECTION TO BE REVIEWED UPON APPEAL

From the Final Rejection mailed January 26, 2006, claims 1-51 were appealed to the Board. The following statements of rejection were entered in the Final Rejection, as well as in the Appeal Brief filed February 23, 2007 and the Examiner's Answer mailed July 13, 2007:

Claims 1-6, 8-14, 16-22, 24-34, 38-43, and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matouk et al. (4691274) in view of Dubin (5971506).

Claims 7, 15, 23, 31, 35, 36, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matouk et al. (4691274) in view of Dubin (5971506) and further in view of Wrycraft (6011689).

A review of the file reveals that claim 37 was not included in a statement of rejection. For clarification of the status of all claims appealed, a correction to the statements of rejection to include claim 37 is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) vacate the Examiner's Answer mailed July 13, 2007;
- 2) generate a Substitute Examiner's Answer setting forth the correct Grounds of rejection to be reviewed on appeal and to correct other sections of the Answer as may be required;
- 3) include, if appropriate, the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and
- 4) for such further action as may be appropriate.

Application 10/678,006

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWH/tdl

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